



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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|------------------------------|---|--------------------------|
| BRIAN KUCICH and | : | |
| ALISON KUCICH, | : | |
| | : | 09 Civ. 3901 (BSJ) (HBP) |
| Plaintiffs, | : | |
| | : | SCHEDULING |
| -against- | : | <u>ORDER</u> |
| | : | |
| 360 BROOKLYN INVESTORS, LLC, | : | |
| LAMPESI & ASSOCIATES LLP, | : | |
| | : | |
| Defendants. | : | |

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PITMAN, United States Magistrate Judge:

An initial pretrial conference having been held on this date, with the consent of counsel, it is hereby ORDERED that:

1. The parties have consented that each may amend their pleadings. Plaintiffs are directed to serve and file their amended complaint no later than July 31, 2009. Defendants are directed to serve and file their amended answer and counterclaims no later than August 31, 2009. Plaintiffs are directed to serve and file their reply to the amended answer and counterclaims no later than September 11, 2009.

2. Plaintiffs are directed to serve and file their motion for judgment on the pleadings no later than September 30, 2009.

3. Discovery shall be stayed until Judge Jones addresses defendants' application to defer resolution of any dispositive motion until discovery has been conducted. If Judge Jones determines that discovery should be conducted before any dispositive motion is resolved, the following schedule shall apply:

a. All fact discovery shall be completed no later than six months from the date on which Judge Jones determines that discovery should be conducted before any dispositive motion is resolved (the "Discovery Decision Date").

b. Plaintiffs shall provide all materials required by Fed.R.Civ.P. 26(a)(2) (expert discovery) no later than six months from the Discovery Decision Date.

c. Defendants shall provide all materials required by Fed.R.Civ.P. 26(a)(2) (expert discovery) no later than eight months from the Discovery Decision Date.

d. Depositions of all expert witnesses shall be completed no later than nine months and fifteen days from the Discovery Decision Date.

e. Summary judgment motions shall be served and filed eleven months and fifteen days from the Discovery Decision Date.

f. The Pretrial Order in the form required by Judge Jones's rules, along with all other pre-trial submissions required by Judge Jones shall be served and filed no later than forty-five (45) days after Judge Jones decision on any summary judgment motion, assuming such decision does not dispose of the action. Plaintiffs shall serve a draft of their portion of the pretrial order on counsel for defendants no later than 22 days prior to the pretrial order's due date. For the convenience of the parties, a copy of Judge Jones's rules is available on the Court's website:
www.nysd.uscourts.gov.

4. Counsel are directed to confer with their clients and with each other concerning the advisability of a prompt settlement conference. Counsel are directed to advise my Deputy, Mr. Daniel Ortiz ((212) 805-6112) whether the parties believe that an early

settlement conference in this matter is a reasonable
course of action.

Dated: New York, New York
July 23, 2009

SO ORDERED


HENRY PITMAN
United States Magistrate Judge

Copies transmitted to:

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